
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

3M Company,

Plaintiff,

v.

Burris Wollsieffer, an individual; ABC
Corporations I-XX; ABC Limited Liability
Companies I-XX; ABC Partnerships I-XX;
and JOHN and JANE DOES I-XX,

Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART [10] MOTION TO
DISMISS**

Case No. 2:20-cv-00336-DBB-CMR

District Judge David Barlow

Before the court is Defendants' Motion to Dismiss.¹ For the reasons stated on the record at the hearing held January 28, 2021, the motion is GRANTED IN PART and DENIED IN PART as follows:

1. Defendant's 12(b)(2) motion to dismiss for lack of jurisdiction is DENIED without prejudice;
2. Defendant's 12(b)(6) motion to dismiss count 1 of the Complaint for trademark infringement/false representation under § 43(a)(1)(A) of the Lanham Act is DENIED as to the false representation claim but GRANTED as to the infringement claim. The infringement claim is dismissed without prejudice;
3. Defendant's 12(b)(6) motion to dismiss count 3 of the Complaint for False Advertising under § 43(a)(1)(B) of the Lanham Act is DENIED;

¹ ECF No. 10.

4. Defendant's 12(b)(6) motion to dismiss counts 2 and 6 of the Complaint for dilution under § 43(c) of the Lanham Act and the Utah Trademark Dilution Statute is GRANTED. Counts 2 and 6 are dismissed without prejudice;
5. Defendant's 12(b)(6) motion to dismiss count 4 of the Complaint for defamation is DENIED;
6. Defendant's 12(b)(6) motion to dismiss counts 5 and 7 of the Complaint for claims under the Utah Unfair Practices Act and for Unfair Competition is DENIED.

Signed January 29, 2021.

BY THE COURT



David Barlow
United States District Judge